

EXHIBIT 11

Monday, November 20, 2023 at 22:43:17 Eastern Standard Time

Subject: Re: SFG Mayo Subpoena
Date: Tuesday, September 19, 2023 at 12:34:04 PM Eastern Daylight Time
From: Frank Hedin
To: Patrick G. Murphy, Phil Fraietta
Attachments: image001.png, image002.png
Yes. Thanks.

From: Patrick G. Murphy <PAT@barrettllaw.com>
Date: Tuesday, September 19, 2023 at 12:33 PM
To: Frank Hedin <fhedin@hedinhall.com>, Phil Fraietta <pfraietta@bursor.com>
Subject: RE: SFG Mayo Subpoena

Can I call you tomorrow at 10am EST?

Patrick G. Murphy | PARTNER

 **BarrettMcNagny**
ATTORNEYS AT LAW
215 East Berry Street
Fort Wayne, Indiana 46802
Direct: (260) 423-8971 | Fax: (260) 423-8920
Email: pat@barrettllaw.com | barrettllaw.com

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From: Frank Hedin <fhedin@hedinhall.com>
Sent: Tuesday, September 19, 2023 12:28 PM
To: Phil Fraietta <pfraietta@bursor.com>; Patrick G. Murphy <PAT@barrettllaw.com>
Subject: Re: SFG Mayo Subpoena

Patrick,
Please let me know when you are free to speak concerning these issues tomorrow. Please ensure I am copied on all correspondence in this matter. Thanks.

Frank

Frank S. Hedin
HEDIN HALL LLP
1395 Brickell Avenue, Suite 1140
Miami, Florida 33131

Tel: + 1 (305) 357-2107
Fax: + 1 (305) 200-8801

From: Phil Fraietta <pfraietta@bursor.com>
Date: Tuesday, September 19, 2023 at 12:24 PM
To: Frank Hedin <fhedin@hedinhall.com>, Patrick G. Murphy <PAT@barrettllaw.com>
Subject: Re: SFG Mayo Subpoena

Patrick,

My co-counsel, Frank Hedin (copied here) is closer to these issues. He would be the appropriate person to speak to

On Tue, Sep 19, 2023 at 12:11 PM Patrick G. Murphy <PAT@barrettllaw.com> wrote:

Phil,

Are you available for the two of us to have a brief phone call tomorrow? I can be available anytime tomorrow between 9am until 2pm EST. If not, please suggest a different date and time.

As you know, I represent non-party SFG relating to subpoenas sent to them in the Schreiber v Mayo case. I have been working with you for a few months now and SFG has cooperated fully and provided relevant information and documents.

Recently, my client received new subpoenas from you for a TR30B6 deposition and inspection of their facility. I was surprised that you did not send me a courtesy copy nor did you work with me on securing available dates on my calendar for the deposition and/or inspection. I am not available on the dates in your recent subpoena and at a minimum, we will need to reschedule. Also, I am not sure what you are planning to inspect as I have not received a protocol nor any information regarding your intent and the subpoena is silent on this topic. My client has grave concerns about the integrity of their data and I and I will object to allowing you into my client's computer system, if that is what you are planning. There are certainly less burdensome ways to get the information without an inspection that avoids the accompanying risk of harming or deleting SFG's data and/or breaching confidentiality of their data. I am not sure why an inspection is even needed as we have provided to you all the documents requested and will do so soon relating to the new Plaintiffs you recently named and requested documents on.

If a Judge forces SFG to allow you into their system, we will, at a minimum, need a very high bond posted to protect against damages and we will have to agree on a detailed protocol, parameters and how to maintain the confidentiality of the data that may be accessed.

I also previously communicated to you that SFG requires pre-payment for the work needed to search for and secure the new documents you are now requesting. SFG received a \$72

check with the subpoena that I assume is for witness mileage and not for the labor needed to pull the documents requested. Last but not least, the TR30B6 topics you have sent are very broad and we will need to discuss narrowing the topics down so a determination can be made on the proper designee to answer your deposition questions.

I am hopeful that you and I can talk through these and other issues regarding the recent subpoenas and work out a compromise that alleviates my client's legitimate concerns.

Pat

Patrick G. Murphy | PARTNER

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From: Phil Fraietta <pfraietta@bursor.com>
Sent: Monday, July 24, 2023 10:07 AM
To: Patrick G. Murphy <PAT@barrettlaw.com>
Subject: Re: SFG Mayo Subpoena

2:30pm ET tomorrow works. I'll send around a Zoom link with a calendar invite

On Mon, Jul 24, 2023 at 9:46 AM Patrick G. Murphy <PAT@barrettlaw.com> wrote:

Sure. How about tomorrow afternoon? I can be available anytime starting at 1pm edt with a hard stop at 3:30.

Patrick G. Murphy | PARTNER

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On Jul 21, 2023, at 5:16 PM, Phil Fraietta <Pfraietta@bursor.com> wrote:

Counsel,

We would like to have a quick call on this. Can you please let us know your availability for next week?

Thanks,

Phil

--

Philip L. Fraietta
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Monday, November 20, 2023 at 22:42:33 Eastern Standard Time

Subject: SFG SUPPLEMENTAL SUBPOENA RESPONSE IN CIVIL ACTION NO. 2:22-CV-00188-HYJ-RSK
Date: Thursday, September 7, 2023 at 10:44:20 AM Eastern Daylight Time
From: Patrick G. Murphy
To: Frank Hedin
Attachments: image002.png, image003.png, 0.png

Frank,

Please see SFG's responses to your inquiries in red below.

Pat

From: Frank Hedin <fhedin@hedinhall.com>
Date: August 30, 2023 at 5:34:39 PM EDT
To: "Patrick G. Murphy" <PAT@barrettllaw.com>
Cc: Phil Fraietta <Pfraietta@bursor.com>, Joseph Marchese <Jmarchese@bursor.com>, "Gregory A. Mitchell" <gam@millerlawpc.com>, "E. Miller" <epm@millerlawpc.com>
Subject: Re: SFG SUPPLEMENTAL SUBPOENA RESPONSE IN CIVIL ACTION NO. 2:22-CV-00188-HYJ-RSK

Patrick:

On our last call, I asked that your client produce log files pertaining to its server located at sfts.sfgnetwork.com (or at <https://sfts.sfgnetwork.com/webclient/Login.xhtml>), which is the server where SFG placed the three subscriber files in question (May, June, and July) for retrieval by CRI (and possibly other parties). We asked for these log files so that we could determine the period of time that each subscriber file was located on that server, which users had access to the server and could access these files over those periods of time, and which users accessed each of these files on the server and the dates and times on which each of them did so. My request for these log files on our call followed my client's formal request for them in request number 18; your client did not object to producing these log files in response to request no. 18.

To elaborate a bit more on where SFG found the May-July 2016 data, it is on a secure server in an area that is not accessible to third parties.

You state below that "there are no logs in existence which show movement of the data." We have several questions in follow up to this:

1. Which data specifically are you referring to when you say “the data”? The data refers to the files that were placed on a secure server for CRI in May-July 2016. Are you referring to the three monthly subscriber files (May, June, July 2016) that were placed on the sfts.sfgnetwork.com server by SFG? Yes.
2. What do you mean by “the movement” of that data? Again, we are looking for logs that reflect the period of time that each subscriber file was located on that server, which users had access to the server and could access these files over those periods of time, and which users accessed each of these files on the server and the dates and times on which each of them did so. Is it your client’s position that its database did not log these events, and that log files cannot be generated that reflect the server activity we are seeking? SFG does not retain log files in perpetuity. Log files are retained for a period of one year, after which they are purged.
3. What do you mean by “there are no logs in existence” that reflect the information we are seeking? Is it your client’s position that its database is not capable of generating log files that show the information we are seeking? What steps has your client taken to retrieve log files that shows the server activity we are seeking? See above. Log files are only retained for a period of one year.

We note that your client used the Information Builders WebFOCUS system in its database to exchange Mayo subscriber files with Mayo and CRI (and potentially other third parties as well). WebFOCUS contains robust reporting systems, including for the logging of activity by users on the server (including the uploading, downloading, deleting of files on the server and the logging in of a user to the server). All other types of servers do as well. Additionally, we note that SFG’s contracts with Mayo specifically required that all activity on the server housing Mayo’s data, and all instances of Mayo’s data being accessed, be logged and stored. Thus, the log files we have requested should be readily accessible. To the extent your client says that it cannot produce such files to us, please let us know by the end of this week so that we can serve a subpoena for inspection of premises to facilitate an inspection of the server in question by our digital forensics firm so that we can locate the information sought. WebFOCUS was not used to create, exchange or post the files in question. WebFOCUS was used by Mayo to access its own data. The programming code that created the May-July 2016 files for use by CRI was submitted to you previously as part of SFG’s discovery responses. It is written in RPG and CL and is unrelated to WebFOCUS.

Additionally, in the MMVLRDATA.PDF file you produced below, there are many data fields, as well as many values that appear in the fields in the produced data,

that are not given meaning in this document. For example, "Category Code 1", "Category Code 2", and "Category Code 3" are not described in this document, so we have no idea what the data that appears in those fields in the produced data means. As other examples, the fields for "Customer Type", "List Category", "Original Source", "Universal List Code", "Keycode", "Donor (List)", "Donor (Dev-DO)", and "Donor (Dev-DV)" are not described in a way to allow us to understand what they mean, and the values that are in those fields in the produced data are not defined either, so we have no way of understanding what these fields or the values that appear in them for particular records mean. Based on our experience with similar databases, there are certainly other more comprehensive data dictionaries that fully describe and define these fields and the values that appear in them in the produced data. Can you please ask your client to retrieve them and produce them to us, for each of the three databases that you provided dictionaries for in your email below?

Can you please also identify which documents the MORBANK.DEF file you produced below pertains to.

Here are further details about each of the three files/file layouts that we provided:

- **MMVLRDATA.PDF** is the file layout for the "list rental" files that SFG provided for CRI each month.
 - We are not able to find a data dictionary/explanation of values for this file.
- **suppress.DEF** is the file layout for the suppression file used in Mayo's direct mail (November 2018)
 - Most of these field names are self-explanatory.
 - The field names that may not be as easily understood are explained here:
 - ADCODE, also known as keycode, is a code that tracks the source of a marketing response and other customer contacts.
 - USPS DPBC Add-on Code is the United States Postal Service Delivery Point Barcode. It is typically the last two digits of the house/box number.
 - The USPS DPBC Check Digits is a check digit for the USPS DPBC.
- **MORBANK.DEF** is the file layout for the file that SFG sent to Mayo for their presumed sending to Experian for a

MORBANK match (approximately December 2018).

- Fields that are called “Filler” are just empty placeholder/filler fields.
- The remainder of the field names are self-explanatory.

Finally, please confirm that your client is willing to provide all materials in its possession, custody, or control concerning the two new plaintiffs we have added to the case, by way of the second amended complaint that I previously sent you. To the extent it is not, we will issue a new subpoena forthwith. We can't imagine why it would object to providing all materials concerning these two individuals just as it previously did for Mr. Schreiber, but please let us know by the end of this week one way or the other. Please see my email response to you of August 22 below.

Please provide your client's responses to the foregoing by the end of this week.

Thanks.

Frank

Frank S. Hedin

HEDIN HALL LLP

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From: Patrick G. Murphy <PAT@barrettllaw.com>

Date: Tuesday, August 22, 2023 at 8:47 AM

To: Frank Hedin <fhedin@hedinhall.com>

Subject: SFG SUPPLEMENTAL SUBPOENA RESPONSE IN CIVIL ACTION NO. 2:22-CV-00188-HYJ-RSK

Frank,

Pursuant to your request, please find attached data dictionaries for the databases provided to Mayo.

Also, you have asked me about previously produced document SFG 279. Specifically, in reference to the use of “April” you inquired whether the work listed was billed in April but done later. I can confirm the work was billed and completed in April and this is more of an internal note indicating when it was done as they

typically do the listed work in April and again near the end of the year.

You asked me where SFG found the May – July 2016 subscriber information provided. I can confirm it was on an old server. There are no logs in existence which show movement of the data.

You requested I check to see how SFG searched for Schreiber's information. All customer records tie back to a master customer file which includes name, customer ID and address. Therefore, there is no need to search multiple different ways. SFG chose to search by name. They even spelled the name several different ways to make sure they caught misspellings.

Last but not least, SFG cannot provide any confidential information of subscribers without a Court Order or subpoena. SFG has spent a lot of time, energy and money to comply with your subpoena. These are not simple requests you are making. I have also worked with you to provide background information regarding my client's process that was not in the subpoena to make it easier for you to interpret the data correctly. We did this out of professional courtesy and cooperation as well as your promise that SFG would not be deposed if they provided this information. SFG will continue to cooperate with you. However, as I am sure you understand, SFG cannot provide subscriber confidential data without a subpoena or Court Order. Also, if you are adding more Plaintiffs to the lawsuit, can we wait until you certify you are done adding folks so one search can be done for multiple names instead of several individual searches every time you add a party? We are working with you to provide the info you need but we ask you work with us and allow us to do one more large search instead of several searches relating to one or two subscribers. SFG simply does not have the manpower to conduct new searches on a regular basis. Also, if you send a new subpoena, we need to discuss advance payment for the costs involved in responding.

Pat

Patrick G. Murphy | PARTNER

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Patrick G. Murphy | PARTNER

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Monday, November 20, 2023 at 22:42:02 Eastern Standard Time

Subject: Re: CONFIDENTIAL SFG SUBPOENA RESPONSE IN CIVIL ACTION
NO. 2:22-CV-00188-HYJ-RSK
Date: Monday, August 21, 2023 at 10:34:51 PM Eastern Daylight Time
From: Frank Hedin
To: Patrick G. Murphy
CC: E. Miller, Gregory A. Mitchell, Phil Fraietta, Joseph Marchese
Attachments: 0.png, image001.png, image002.png

Patrick:

Following up. Can you please provide a response to my email below and an update concerning the other issues addressed on our last call? We will be forced to bring an action to enforce the subpoena this week if we do not receive the outstanding materials very soon. Thank you.

Frank S. Hedin

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On Aug 18, 2023, at 7:26 PM, Frank Hedin <fhedin@hedinhall.com> wrote:

Patrick:

Following up on our latest call. When can we expect production of all transaction logs pertaining to the ftp server maintained by sfg where the monthly files were made available by sfg for cri and others to access, as well as the materials pertaining to the two new plaintiffs and any other materials responsive to the subpoena that we discussed on our call? We need this material asap and will move to enforce the subpoena if we haven't received it by end of next week.

Thanks.

Frank S. Hedin

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On Aug 8, 2023, at 11:35 AM, Frank Hedin <fhedin@hedinhall.com> wrote:

Patrick,
I'll give you a call at 1:30.

Frank S. Hedin
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1395 Brickell Avenue, Suite 1140
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On Aug 8, 2023, at 8:40 AM, Patrick G. Murphy
<PAT@barrettlaw.com> wrote:

I am available today anytime between 1-3pm EST.

Patrick G. Murphy | PARTNER



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From: Frank Hedin <fhedin@hedinhall.com>
Sent: Monday, August 7, 2023 4:16 PM
To: Patrick G. Murphy <PAT@barrettlaw.com>
Cc: Phil Fraietta <Pfraietta@bursor.com>; Joseph Marchese <Jmarchese@bursor.com>; E. Miller <epm@millerlawpc.com>; Gregory A. Mitchell <gam@millerlawpc.com>
Subject: Re: CONFIDENTIAL SFG SUBPOENA RESPONSE IN CIVIL ACTION NO. 2:22-CV-00188-HYJ-RSK

Patrick:

Please let us know when you are free tomorrow or on Wednesday for a call to discuss the status of our subpoena to SFG, as well as the materials SFG recently produced to Mayo in response to the subpoena.

Thanks.

Frank

Frank S. Hedin

HEDIN HALL LLP
1395 Brickell Avenue, Suite 1140
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Fax: + 1 (305) 200-8801

From: Patrick G. Murphy <PAT@barrettllaw.com>
Date: Friday, July 21, 2023 at 2:40 PM
To: Frank Hedin <fhedin@hedinhall.com>
Subject: CONFIDENTIAL SFG SUBPOENA
RESPONSE IN CIVIL ACTION NO. 2:22-CV-00188-
HYJ-RSK

<https://barrettllaw.sharefile.com/d-s96e37fc9d1c84d478267ba6de003c5c3>

Patrick G. Murphy | PARTNER

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